



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0519

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: July 5, 2022

TITLE: First Reading - Quasi-Judicial Ordinance Vacating a 10-Foot Wide by 124-Foot-Long Portion of An Alley Located North of SE 8th Street, East of SE 4th Avenue, South of SE 7th Street, and West of South Federal Highway - Case No. UDP-V21007 - **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider an ordinance vacating a 10-foot wide by 124-foot-long portion of an alley, generally located north of SE 8th Street, east of SE 4th Avenue, south of SE 7th Street and west of South Federal Highway.

Background

The subject alley was originally dedicated by plat and the western portion was vacated in 1938. In 1998, a one-story office building was constructed over the subject alley. The applicant would like to vacate the remaining eastern portion of the alley to ensure the entire alley has been fully vacated. A Location Map is attached as Exhibit 1. The Sketch and Legal Description of the Proposed Vacation is attached as Exhibit 2. The Application, Narrative Responses to Criteria and Utility Letters are provided as Exhibit 3.

The Development Review Committee (DRC) reviewed the vacation request on January 11, 2022. All comments have been addressed and are provided as Exhibit 4.

The application was reviewed by the Planning and Zoning Board (PZB) on May 18, 2022 and was recommended for approval by a vote of 6-0, subject to conditions as contained in the PZB Staff Report and restated herein. The May 18, 2022, PZB Staff Report, and PZB Meeting Minutes are attached as Exhibit 5 and Exhibit 6, respectively.

The City Commission shall hold a public hearing to consider the application, the record, and recommendations forwarded by the Department and the Planning and Zoning Board. Additionally, the City Commission shall hear public comment on the application and determine whether the request meets the criteria for the vacation.

Review Criteria:

As per ULDR Section 47-24.6.A.4, Vacation of Right-of-Way, the request is subject to the following criteria:

- a. The right-of-way or other public place is no longer needed for public purposes.

The alley was originally dedicated by the "Fisher Subdivision, Lot 1 Block 58, of the Town of Fort Lauderdale, Florida" Plat (Plat Book 1 Page 34). Currently, it is not being used as an alley. In 1998, a one-story office building was constructed over the subject alley.

- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas;

The alley is not currently used for pedestrian or vehicle traffic. The property can be accessed from Federal Highway and SE 8th Street. The surrounding roadway network is not affected by this alley vacation request. Abutting properties to the north, east and west continue to have access from either SE 7th Street or SE 8th Street.

- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area;

The closure of the alley will continue to provide safe areas for vehicles to turn and exit the area via Federal Highway and SE 8th Street.

- d. The closure of a right-of-way shall not adversely impact pedestrian traffic.

The alley is not currently used for pedestrian traffic. Pedestrians will be able to continue to use the adjacent roadway network for travel.

- e. All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination of same and utilities maintenance shall not be disrupted;

There are currently no franchise and public utilities within the subject right-of-way. Letters of no objection from AT&T, Comcast, City of Fort Lauderdale and TECO Gas stating no objection to the vacation have been provided. The utility letters are provided as part of Exhibit 3.

Conditions:

Should the Commission approve the proposed vacation, the following conditions apply:

1. Any city infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. Any relocated facilities

or facilities provided in a different location shall be required to be inspected and accepted by the Public Works Department; and,

2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
3. The vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, is recorded in the public records of Broward County, Florida. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the city.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a 2022 Commission Priority, advancing the Smart Growth initiative.

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Nurture and support existing local businesses

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Sketch and Legal Description for the Proposed Vacation

Exhibit 3 – Application, Narrative Responses, Utility Letters

Exhibit 4 – January 11, 2022, DRC Comments

Exhibit 5 – May 18, 2022, PZB Staff Report

Exhibit 6 – May 18, 2022, PZB Meeting Minutes

Exhibit 7 – Ordinance

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